



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,491	01/10/2001	Aaron A. McBride	10559/323001/P9684	9330

20985 7590 02/17/2004

FISH & RICHARDSON, PC  
12390 EL CAMINO REAL  
SAN DIEGO, CA 92130-2081

EXAMINER
----------

HAMILTON, MONPLAISIR G

ART UNIT	PAPER NUMBER
----------	--------------

2172

DATE MAILED: 02/17/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

84

## Office Action Summary

Application No.

09/758,491

Applicant(s)

MCBRIDE ET AL.

Examiner

Monplaisir G Hamilton

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/19/03 has been entered.

Claims 1-21 were pending. The communication filed 12/19/03 amended Claims 1, 3, 7, 9, 12-13, 16-18, and 20-21 and added Claims 21-34.

### ***Response to Arguments***

2. Applicant's arguments with respect to Claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. Claim 32 is objected to because of the following informalities: a typographical error is noted at line 4 "second set of data data". Appropriate correction is required.

*Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 1-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1-34 recite the limitation of “comparing the unmodified data with the current data to determine if data fields of the unmodified data differ from corresponding data fields of the current data, and with respect to at least some of the data fields of the current data that are determined to be different from corresponding data fields of the unmodified data, identifying at least some of the data fields of the current data as having temporally changing data”. The specification does not explicitly or implicitly recite the cited limitation. Examiner concedes that the specification discloses, “The server 108 compares 210 the original data 118 (including the modified data 120) sent by the first workstation 104a with the current data 122. Note that the process 124 need not compare all data fields included in the current data 122 with the original data 118. For example, the process 124 may exclude a time and date field including the current time and date from comparison because the time constantly changes and thus necessarily varies from the original data 118 to the current data 123.” (Specification: page 10, lines 16-20). Examiner believes this portion of the specification enables the exclusion of specified fields, specifically date or counter updates,

Art Unit: 2172

during comparison. Updates to these fields are insignificant. Examiner finds no disclosure of the claimed “and with respect to at least some of the data fields of the current data that are determined to be different from corresponding data fields of the unmodified data, identifying at least some of the data fields of the current data as having temporally changing data.” Examiner has interpreted the claimed identifying to be “excluding these fields.”

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-34 rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,401,103 issued to Ho et al (4/6/99), herein referred to as Ho in view of US 2002/0080170 by Goldberg et al (3/13/00).

Referring to Claims 1, 7 and 13:

Ho discloses a method comprising:

receiving modified data that is modified from data fields of a source version of a collection of data and receiving unmodified data of the source version of the collection of data;

the unmodified data having data fields (col 3, lines 50-60; col 4, lines 40-50);

providing current data of a current version of the collection of data, the current data having data fields (col 4, lines 50-60); and

comparing the unmodified data with the current data to determine if data fields of the unmodified data differ from corresponding data fields of the current data (col 4, lines 50-55),

Ho does not explicitly disclose the claimed "with respect to at least some of the data fields of the current data that are determined to be different from corresponding data fields of the unmodified data, identifying at least some of there data fields of the current data as having temporally changing data."

Art Unit: 2172

Goldberg discloses with respect to at least some of the data fields of the current data that are determined to be different from corresponding data fields of the unmodified data, identifying at least some of these data fields of the current data as having temporally changing data (paragraph 0134).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art modify the teachings of Goldberg such that temporally changing data is identified. One of ordinary skill in the art would have been motivated to do this because it would allow the system to identify significant and insignificant changes (Goldberg: paragraph 0134).

Referring to Claim 18:

Ho discloses a method comprising:

transmitting a web page including hidden data to a user (col 4, lines 34-40; col 16, lines 45-55);

receiving a web page from the user, the web page including the hidden data and data that is modified from the hidden data (col 3, lines 50-60; col 16, lines 45-55);

comparing the hidden data with current data included in a current version of the web page to determine if data fields of the hidden data differ from corresponding data fields of the current data (col 10, lines 25-40, 45-60),

Ho does not explicitly disclose “with respect to at least some of the data fields of the current data that are determined to be different from corresponding data fields of the hidden data, identifying at least some of these data fields of the current data as having temporally changing data”.

Goldberg discloses with respect to at least some of the data fields of the current data that are determined to be different from corresponding data fields of the hidden data, identifying at least some of these data fields of the current data as having temporally changing data (paragraph 0134).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art modify the teachings of Goldberg such that temporally changing data is identified. One of ordinary skill in the art would have been motivated to do this because it would allow the system to identify significant and insignificant changes (Goldberg: paragraph 0134).

Referring to Claim 32:

Ho discloses a method comprising:

comparing data fields of a first set of data with data fields of a second set of data to determine if the data fields of the first set of data differ from the data fields of the second set of data (col 4, lines 25-65; col 10, lines 25-40, 45-60), and

Ho does not explicitly disclose “with respect to at least some of the data fields of the second set of data that are determined to be different from corresponding data fields of the first set of data, identifying at least some of these data fields of the second set of data as having temporally changing data.”

Goldberg discloses with respect to at least some of the data fields of the second set of data that are determined to be different from corresponding data fields of the first set of data, identifying at least some of these data fields of the second set of data as having temporally changing data (paragraph 0134).



Art Unit: 2172

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art modify the teachings of Goldberg such that temporally changing data is identified. One of ordinary skill in the art would have been motivated to do this because it would allow the system to identify significant and insignificant changes (Goldberg: paragraph 0134).

Referring to Claims 2 and 8:

Ho and Goldberg disclose the limitations as discussed in Claims 1 and 7 above. Ho further discloses transmitting the modified data to a location having access to the current data (col 4, lines 43-45, 51-55).

Referring to Claims 3 and 9:

Ho and Goldberg disclose the limitations as discussed in Claims 1 and 7. Ho further discloses enabling verification of the modified data if the data fields of the unmodified data differs from the data fields of the current data. (col 11, lines 52-56).

Referring to Claim 4 and 10:

Ho and Goldberg disclose the limitations as discussed in Claim 3 and 9 above. Ho further discloses receiving verification and including the modified data in the current data (col 11, lines 52-56).

Art Unit: 2172

Referring to Claims 5 and 11:

Ho and Goldberg disclose the limitations as discussed in Claims 1 and 7 above. Ho further discloses the collection of data includes a web page (col 3, lines 45-48).

Referring to Claims 6 and 12:

Ho and Goldberg disclose the limitations as discussed in Claims 1 and 7 above. Ho further discloses the unmodified (state) data includes hidden data (col 4, lines 30-35; col 16, lines 45-55).

Referring to Claims 14 and 19:

Ho and Goldberg disclose the limitations as discussed in Claims 13 and 18 above. Ho further discloses transmitting the web page including the original data to the user (col 4, lines 26-35; col 16, lines 45-55).

Referring to Claim 15:

Ho and Goldberg disclose the limitations as discussed in Claims 13 above. Ho further discloses also transmitting the current version of the web page to the user (col 4, lines 60-65; col 10, line 65-col 11, line 15).

Referring to Claims 16 and 20:

Ho and Goldberg disclose the limitations as discussed in Claims 13 and 18 above. Ho further discloses the mechanism is also configured to enable verification of the modified data if

Art Unit: 2172

the data fields of the original data differ from the data fields of the current data (Fig 6; col 10, lines 15-25, 35-65; col 11, lines 52-56).

Referring to Claim 17 and 21:

Ho and Goldberg disclose the limitations as discussed in Claims 13 and 18 above. Ho further discloses the mechanism is also configured to include the modified data in the current data after the modified data has been verified by a user (col 10, lines 60-65; col 11, lines 52-56).

Referring to Claim 22:

Ho and Goldberg disclose the limitations as discussed in Claim 1 above. Ho further discloses taking an action with respect to the modified data (col 11, lines 5-30).

Referring to Claim 23:

Ho and Goldberg disclose the limitations as discussed in Claim 22 above. Ho further discloses the action comprises including the modified data with the current data (col 11, lines 5-30).

Referring to Claim 24:

Ho and Goldberg disclose the limitations as discussed in Claim 7 above. Ho further discloses causing a machine to take an action with respect to the modified data (col 11, lines 5-30).

Art Unit: 2172

Referring to Claim 25:

Ho and Goldberg disclose the limitations as discussed in Claim 24 above. Ho further discloses the action comprises including the modified data with the current data (col 11, lines 20-25).

Referring to Claim 26:

Ho and Goldberg disclose the limitations as discussed in Claim 13 above. Ho further discloses the mechanism is also configured to take an action with respect to the modified data (col 11, lines 20-25).

Referring to Claim 27:

Ho and Goldberg disclose the limitations as discussed in Claim 26 above. Ho further discloses including the modified data with the current data (col 11, lines 20-25).

Referring to Claim 28:

Ho and Goldberg disclose the limitations as discussed in Claim 16 above. Ho further discloses enabling verification includes inserting the modified data into the current version of the web page (col 3, lines 50-55);

noting the differences between the original data, and the current data on the current version of the web page (col 4, lines 40-50);

transmitting the current version of the web page to a user, and receiving verification of the current version of the web page from the user (col 4, lines 50-65).

Art Unit: 2172

Referring to Claim 29:

Ho and Goldberg disclose the limitations as discussed in Claim 18 above. Ho further discloses taking an action with respect to the modified data (col 11, lines 5-30).

Referring to Claim 30:

Ho and Goldberg disclose the limitations as discussed in Claim 29 above. Ho further discloses the action comprises including the modified data with the current data ((col 11, lines 20-25)).

Referring to Claim 31:

Ho and Goldberg disclose the limitations as discussed in Claim 20 above. Ho further discloses enabling verification includes inserting the modified data into the current version of the web page (col 3, lines 50-55);

noting the differences between the original data and the current data on the current version of the web page (col 4, lines 40-50);

transmitting the current version of the web page to a user, and receiving verification of the current version of the web page from the user (col 4, lines 50-65; col 12, lines 55-60).

Art Unit: 2172

Referring to Claim 33:

Ho and Goldberg disclose the limitations as discussed in Claim 20 above. Ho further discloses taking an action with respect to data fields of a third set of data based upon the results of the comparison (col 12, lines 15-60).

Referring to Claim 34:

Ho and Goldberg disclose the limitations as discussed in Claim 20 above. Ho further discloses the third set of data is merged with the second set of data if the differences between the data fields of the first set of data and the data fields of the second set of data (col 12, lines 20-55).

Ho does not explicitly disclose the claimed merger is based on temporally changing data.

Goldberg discloses filtering insignificant changes (paragraph 0134).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Ho such that the data merger is contingent on whether the differences are based on temporally changing data. One of ordinary skill in the art would have been motivated to do this because it would allow the system to determine which changes are significant (paragraph 0133-0134).

*Prior Art*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6282175 issued to Steele, Douglas William et al. Steele discloses a tracking system that uses a revision control system and configuration status gathering to historically track and store configuration changes in computers and interconnect devices to aid in managing and troubleshooting networks of computer systems. Configuration data is gathered from devices on the network selected for monitoring on a periodic basis. The data collected each collection cycle is stored in a data storehouse on a computer within the network, called the remote support node. The data storehouse is comprised of a revision control system and data base. The data is accessed by computers on the network having web browsers. The user selects a first and second collection time, and any changes in configuration of any monitored devices in the network occurring between these two collection times is displayed in the browser window. By changing the collection times, configuration changes from different collection cycles may be viewed.

If a copy of a provisional application listed on the bottom portion of the accompanying Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-892 has been annotated to indicate that the copy was not readily available, it is because the copy could not be readily obtained when the Office action was mailed. Should applicant desire a copy of such a provisional application, applicant should promptly request the copy from the Office of Public Records (OPR) in accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a

Art Unit: 2172

substantial delay by the Office in fulfilling the order for the copy of the provisional application.

Where the applicant has been notified on the PTO-892 that a copy of the provisional application is not readily available, the provision of MPEP § 707.05(a) that a copy of the cited reference will be automatically furnished without charge does not apply.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monplaisir G Hamilton whose telephone number is 1703-305-5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on 1703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monplaisir Hamilton

  
JEAN M. CORRIELUS  
PRIMARY EXAMINER